

Remarks

This is in response to the Office Action dated September 29, 2005.

In the Office Action, claims 1 and 3-4 were anticipatorily rejected and claims 8-9 and 13 were rejected as being obvious under Nesti (US4807617); and claims 10-12 were rejected as being obvious over the combination of Nesti and Kaimer (US5143061). In addition, claims 14-15 were allowed and claims 5-7 and 11 were deemed to contain allowable subject matter.

Per the above amendment, claims 1, 7 and 10 have been amended, and claims 8 and 12 canceled. New claims 16-18, which correspond to allowable claims 5-7, respectively, have been added to replace the cancelled claims, which include the previously canceled claim 2. The pending claims accordingly are claims 1, 3-7, 9-11 and 13-18, of which claims 14-15 were allowed previously and claims 16-18 should now be formally allowed.

Claim 10 has been amended per suggestion by the examiner to overcome the 35 U.S.C. 101 rejection.

Per the amendment to the claims, it should now be clear that the apparatus includes a harness for retaining the sealing assembly with the head so that the removable closure/window can be removed and the sealing assembly remains in place on the head when access is required to the mouth region.

Nothing like this is described in the prior art.

The arrangement of the present invention enables access to be provided to the patient's mouth without the need to disturb the seal of the mask with the face. It can be difficult sometimes to form an effective seal with a patient's face because of variations in anatomy, facial hair and the like. With the present invention, when access to the mouth is no longer required, the window can simply be clipped back into the seal.

Nesti (US4807617) describes a conventional mask 12 having a cup 20 with a sealing tube 30 attached to it to provide a seal with the patient's face. There is no suggestion that the cup 20 be removable from the sealing tube 30. The patent does describe a separate scavenging attachment 14 fitted over the top of the mask 12 but the patient's mouth cannot be accessed by removing this attachment. The only way in which access can be provided to the mouth of the patient with this arrangement is by removing the mask entirely from the face and disturbing the seal. There is nothing in this document to suggest that the seal could be left in place on the head while access is provided to the mouth in the manner of the present invention.

Kaimer (US5143061) describes a mask 11 with a seal formed by an adhesively-backed strip of foam attached around its periphery. The mask is attached by straps 16 to the head of the wearer. Again, the wearer's mouth could only be accessed by removing the mask completely from the face. There is no suggestion that a part of the mask be left attached in the manner of the present invention.

In view of the foregoing, it is respectfully submitted that all of the claims pending in the application are patentably distinguishable over the prior art and are in condition for allowance. Accordingly, the examiner is respectfully requested to enter this amendment, reconsider the case and pass the same to issue at an early date.

Respectfully submitted,



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